



# City of Santa Barbara California

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## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** March 25, 2015  
**AGENDA DATE:** April 1, 2015  
**PROJECT ADDRESS:** 3433 & 3443 Sea Ledge Lane (MST2015-00019)

**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
Renee Brooke, Senior Planner *ALD for RLB*  
Allison De Busk, Project Planner *ALD*

### I. PROJECT DESCRIPTION

The project consists of the repair of a slope failure that occurred in late 2013. The area of the failure is located between the upper and lower portions of Sea Ledge Lane, which is a private road accessed off of Cliff Drive. The repairs include the installation of a retaining wall system, including micro-piles and tiebacks, that is 67 feet long with a maximum height of six feet; drainage improvements that tie into the existing drainage system; and new landscaping with temporary irrigation for erosion control and visual screening of the new retaining wall.

The area of work is located north of the existing residences on the subject parcels, and is more than 50 feet from the edge of the coastal bluff and landward of the seacliff retreat line. Therefore, permit authority is granted to the Staff Hearing Officer (SBMC §28.44.110).

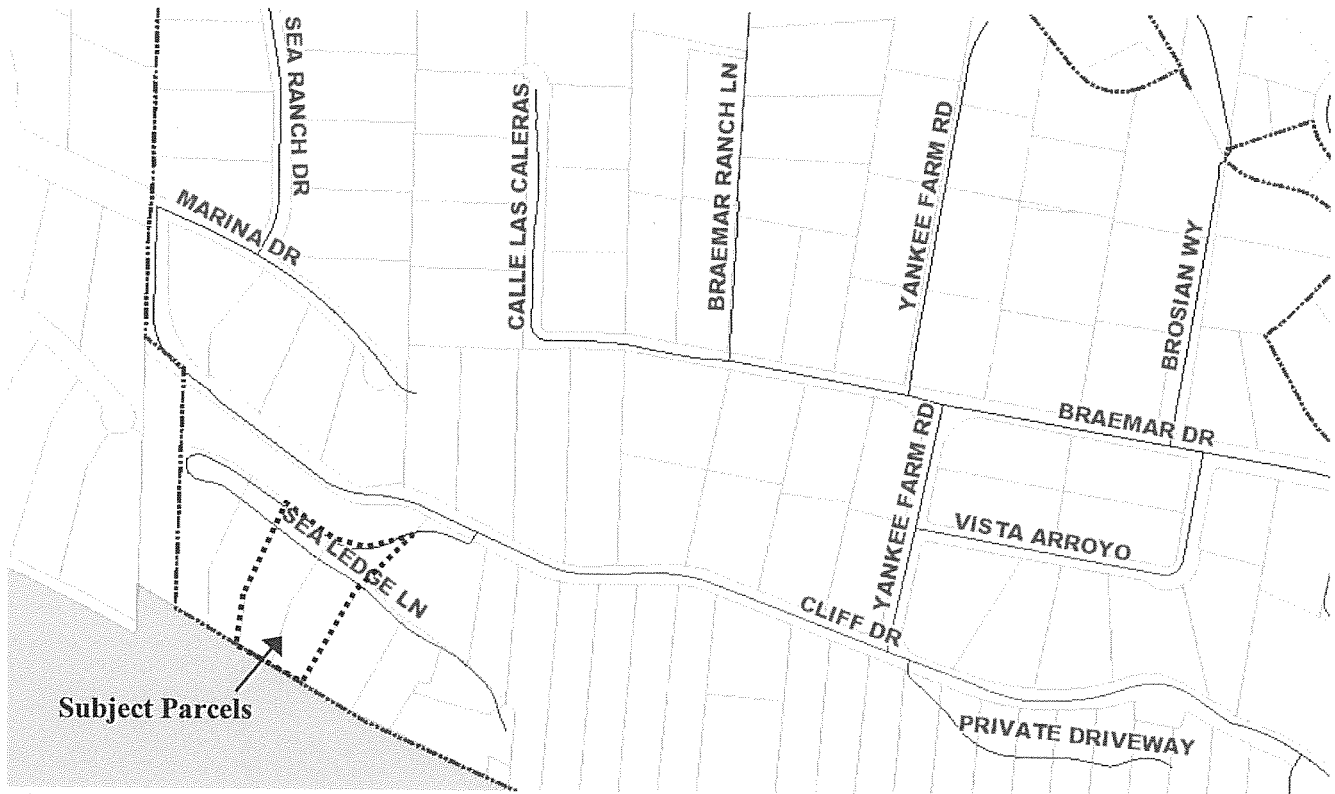
This work was permitted by the City through an emergency coastal permit (SBMC §28.44.100) and BLD 2014-01899 (refer to Exhibit B) due to concerns about the safety of the road should there be winter rains. Pursuant to SBMC §28.44.100.E(5), an application for a formal coastal development permit must be filed within 90 days of the issuance of the emergency permit. Any development constructed pursuant to an emergency permit shall be considered temporary until authorized by subsequent coastal development permit, and issuance of an emergency permit does not constitute an entitlement to said development.

### II. REQUIRED APPLICATIONS

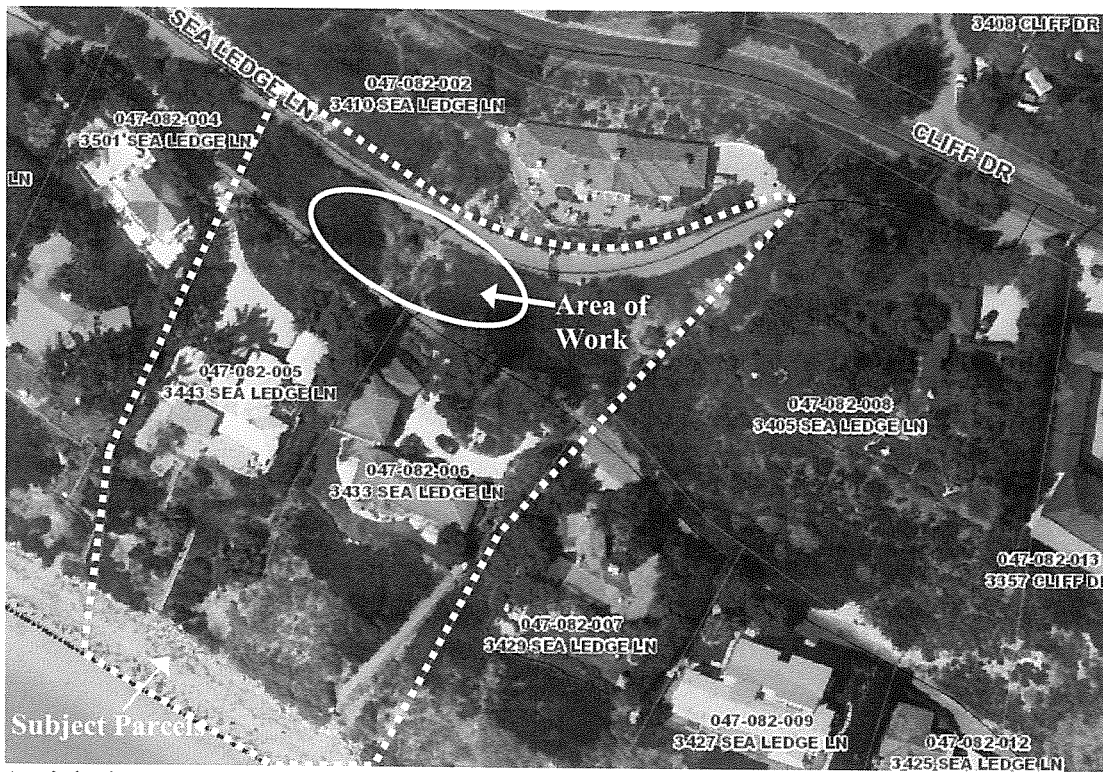
The discretionary application required for this project is a Coastal Development Permit (CDP2015-00002) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

### III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. In addition, the design of the project is consistent with the surrounding neighborhood. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map - 3433 and 3443 Sea Ledge Lane



Aerial Photo - 3433 and 3443 Sea Ledge Lane

**APPLICATION DEEMED COMPLETE:** February 19, 2015  
**DATE ACTION REQUIRED:** April 20, 2015

#### IV. BACKGROUND

The project is proposed in order to address a slope failure that was evidently caused by repairs made to a power pole adjacent to Sea Ledge Lane (refer to Exhibit C – Applicant Letter). A geologic analysis was prepared for the site by Campbell Geo, Inc, which recommended a permanent repair to ensure the stability of the road (refer to Exhibit D – Emergency Permit)

#### V. SITE INFORMATION

<b>Applicant:</b>	Alicia Harrison, Brownstein Hyatt Farber Schreck		
<b>Site Information</b>			
<b>Property Owner:</b>	JL Trust	<b>Property Owner:</b>	Dunlap Family Trust
<b>Address:</b>	3433 Sea Ledge Lane	<b>Address:</b>	3443 Sea Ledge Lane
<b>Parcel Number:</b>	047-082-006	<b>Parcel Number:</b>	047-082-005
<b>Lot Area:</b>	50,850 sq. ft.	<b>Lot Area:</b>	44,500 sq. ft.
<b>Topography:</b>	37%	<b>Topography:</b>	32%
<b>General Plan:</b>	Residential – 1 unit per acre		
<b>Local Coastal Plan:</b>	Residential – 1 unit per acre		
<b>Zoning:</b>	A-1/SD-3		
<b>Existing Use:</b>	single-family residential		
<b>Adjacent Land Uses</b>			
<b>North</b> - single-family residential		<b>East</b> - single-family residential	
<b>South</b> – Pacific Ocean		<b>West</b> - single-family residential	

#### VI. POLICY AND ZONING CONSISTENCY ANALYSIS

##### A. ZONING ORDINANCE CONSISTENCY

The proposed retaining wall is located outside of the front setback, and has a maximum height of six feet; therefore it is consistent with the wall height limitation of SBMC §28.87.170. Additionally, the wall height and location do not pose any line-of-sight issues related to the adjacent roadway. Therefore, the project would meet the requirements of the Zoning Ordinance.

##### B. GENERAL PLAN CONSISTENCY

The project site is in the Campanil neighborhood, which is bordered on the north by Arroyo Burro Creek, on the east by Las Positas Road, on the south by the Pacific Ocean, and on the west by the western City limits and Hope Ranch. The neighborhood is in a geologic and visual sensitivity area due to coastal bluffs and other areas with slopes of greater than 30%. This neighborhood is described in the Land Use Element as a single-family residential area

with larger lots. The area of work for this repair project is away from the coastal bluff, although there are still geologic issues in the area of work, hence the need for additional stabilization. The density of the parcels would not change and no natural resources would be affected by the project. Therefore, the project would be consistent with the General Plan.

### **C. LOCAL COASTAL PLAN CONSISTENCY**

A Coastal Development Permit is required for the project, which must be found consistent with both the City's Local Coastal Plan and the California Coastal Act. The project is located in Component 1 of the Local Coastal Plan (LCP), which is located between the western City limit and Arroyo Burro Creek. The LCP states that the primary land use of this area is single-family residential with a zoning designation of A-1. The subject parcels have a Coastal Land Use Designation of Residential - 1 dwelling unit per acre and a zoning designation of A-1.

The major coastal issues identified for Component 2 include hazards related to fire services and seacliff retreat; maintenance of views along Cliff Drive; and lateral access along the beach below the bluffs.

The project is proposed in order to repair a slope failure that has the potential to compromise the existing private road. That road serves as the only vehicular access to several residences, and provides the only emergency access. Therefore, stabilization of the slope and road will ensure adequate fire access is available to those homes.

The proposed stabilization work is located north of the existing residences on the subject parcels and north of the seacliff retreat line (which is south of the existing residences), thereby minimizing concerns related to seacliff retreat. The project site is in an area with a high potential for landslides and with known slope movement risk. The area also has highly expansive soils and a high erosion potential. The project will correct an existing, failing slope and has been engineered to account for the site's soil conditions. Therefore, concerns with unstable soils are adequately addressed by the project.

The proposed drainage improvements have been reviewed by the City's Building and Safety Division and would tie into the existing drainage system on the site. A condition of approval has been added to ensure that irrigation of the project area is kept to the minimum necessary for plant establishment and is removed after one full season of plant growth.

Proposed plantings would be lemonade berry, which is consistent with existing vegetation on the slope, and consistent with the site's coastal sage scrub habitat; and creeping fig, which, although not considered a coastal sage scrub species, it requires little water once established and is not considered an invasive species.

Due to the scope and location of the work, it would not be visible from Cliff Drive, so there would be no impacts related to views or visual resources.

The project site does not serve as a public coastal access point and would not affect lateral access along the beach.

As proposed, the project can be found consistent with the applicable policies of the California Coastal Act, the Local Coastal Plan, and all implementing guidelines.

**VII. ENVIRONMENTAL REVIEW**

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303. Section 15303 allows for construction of new small structures that do not have a significant impact on the environment. The new retaining wall is set back an adequate distance from the top of bluff to not substantially affect an environmentally sensitive area.

**VIII. DESIGN REVIEW**

This project was reviewed on consent by the SFDB on two separate occasions (meeting minutes are attached as Exhibit E). The SFDB found the retaining wall and landscaping to be appropriate and consistent with surrounding development and applicable design guidelines.

**IX. FINDINGS**

The Staff Hearing Officer finds the following:

**COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act because it does not adversely affect coastal access, recreation, the marine environment, or land resources, and is consistent with policies for new development, as described in Section VI of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the project is a repair to an existing, unstable slope and has been designed so as to minimize impacts on the area, as described in Section VI of the Staff Report.

**Exhibits:**

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated January 20, 2015
- D. Emergency Coastal Development Permit, dated November 11, 2014
- E. SFDB Minutes – October 27, 2014 and November 10, 2014
- F. Applicable Coastal Act and Local Coastal Plan Policies

***DRAFT***  
**STAFF HEARING OFFICER CONDITIONS OF APPROVAL**

3433 & 3443 SEA LEDGE LANE  
COASTAL DEVELOPMENT PERMIT  
APRIL 1, 2015

- I. In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Record any required documents (see Sections B and D.1).
  2. Obtain all required design review approvals.
- Details on implementation of these steps are provided throughout the conditions of approval.
- B. **Recorded Conditions Agreement.** The Owner of each property shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on April 1, 2015 is limited to repair of a failed slope located between the upper and lower portions of Sea Ledge Lane, and including installation of a retaining wall system that is 67 feet in length and up to six feet in height, drainage improvements that tie into the existing drainage system and new landscaping for erosion control, as shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
  2. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.
  3. **Drainage Systems Maintenance.** Owner shall maintain the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and/or Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage

facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

4. **Sewer Connection Requirement.** Owner agrees to connect to the City sewer system when a sewer main is constructed in Cliff Drive at a point adjacent to Owner's Real Property, per Santa Barbara Municipal Code Chapter 14.44. Owner shall, at Owner's sole expense, connect to the City sewer system within one year of being advised in writing that the City sewer main is operable and available for such a connection. In the event Owner fails to comply with this condition of approval, City may enter the Real Property and make such a sewer connection with the cost of the connection becoming a lien on the real property to be paid in connection with property taxes and assessments imposed on Owner's Real Property.
  5. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Staff Hearing Officer land use condition has been satisfied.
1. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology. Watering of vegetation on the slope shall be kept to the minimum necessary for plant establishment. The drip system along the slope shall be removed after one full season of plant growth.
- D. **Requirements Prior to Final Approval.** The Owners shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to Final Approval by the SFDB. Please note that these conditions are in addition to the standard submittal requirements for each Department.
1. **Public Works Department.**
    - a. **Water Rights Assignment Agreement.** The Owner for each property – APN 047-082-005 and APN 047-082-006 - shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.

E. **General Conditions.**

1. **Prior Conditions.** These conditions are in addition to the conditions identified in any prior Planning Commission Resolution for either property.
2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.



Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Staff Hearing Officer action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.



RECEIVED  
JAN 20 2015

CITY OF SANTA BARBARA  
PLANNING DIVISION

January 20, 2015

Alicia Harrison, AICP  
Land Use Planner  
805.882.1442 tel  
805.965.4333 fax  
AHarrison@bhfs.com

**VIA HAND DELIVERY**

Ms. Allison DeBusk  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, CA 93101

RE Dunlap/Debney follow-up Coastal Development Permit to Emergency Coastal Development Permit issued for Emergency Repair of Slope Failure and Construction of New Retaining Wall  
Emergency Coastal Development Permit MST2014-00526  
3443 Sea Ledge Lane, APN 047-082-005  
3433 Sea Ledge Lane, APN 047-082-006

Dear Ms. DeBusk:

On behalf of Mr. Dunlap and Mr. Debney, owners of property located at 3443 and 3433 Sea Ledge Lane, respectively, I am submitting the attached application to request a follow-up Coastal Development Permit (CDP) for a permit issued for emergency work on November 11, 2014 (MST2014-00526). It is our understanding that this permit request requires review and approval by the Zoning Administrator.

The properties are located on Sea Ledge Lane, a private road serving as the only ingress and egress for eight residences. The area of work is located between the upper portion of Sea Ledge Lane and the lower portion of Sea Ledge Lane. The structural integrity of the upper segment of Sea Ledge Lane was compromised earlier in 2014 due to repairs on a public utility pole adjacent to the road, causing failure to the hillside below. The slope failure presented an immediate threat to access to the neighborhood as well as potential for additional failure and damage to the utility pole and surrounding residential improvements. The purpose of the emergency work was to protect the access, utility pole and residential property through stabilization of the slope failure and associated road repairs. Please see the issued permit for emergency work and attachments for more information regarding the nature and extent of the emergency.

The work includes installation of a retaining wall system, including micro-piles and tiebacks, that is 67 feet in length with up to six feet in height visible from the downhill side. The wall is an engineered shotcrete wall with a mottled plaster finish and earthtone colored stain that will blend with the existing hillside. Drainage improvements for the wall tie into the existing drainage system to rip rap at the basin at the lower portion of Sea Ledge Lane. Total new impervious surface related to the project is less than 200 square feet.

New landscaping (lemonade berry) is to be installed on the hillside below the wall for erosion control purposes. Lemonade berry will also be planted above the wall to eventually hide the wall from view. The plants would be irrigated with temporary irrigation until plants are established. The existing lemonade berry on the slope is 8 to 10 feet, and the landscape architect anticipates the new plant growth will be similar within 5 years. While the lemonade berry is established, creeping fig vine is proposed at the base of the wall which will soften the appearance of the wall in the interim. A surficial geogrid will be placed on the slope for stabilization while plants are established.

1020 State Street  
Santa Barbara, CA 93101-2711  
main 805.963.7000

Ms. Allison DeBusk  
January 20, 2015  
Page 2

Cut and fill is less than 15 cubic yards. There will be no export of material, only import of gravel for drainage behind the wall related to the drainage system.

The project is located on coastal bluff properties, however the work of this emergency permit is not located near the coastal bluff. For reference the sea cliff retreat line is shown on the Site Plan.

The project is under construction per the permit for emergency work. Stabilization and foundation system work has been installed, including micro-piles, grade beam and tiebacks. The wall form and finish, drainage improvements, installation of geogrid and landscaping are in process.

We hope this adequately provides all project information needed for a complete CDP application. Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alicia Harrison', with a long horizontal flourish extending to the right.

Alicia Harrison, AICP

040637\0002\11813617.1



# City of Santa Barbara

## Community Development Department

www.SantaBarbaraCA.gov

November 11, 2014

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JAN 20 2015

CITY OF SANTA BARBARA  
PLANNING DIVISION

### Directors Office

Tel: 805.564.5502

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### Housing &

### Redevelopment

Tel: 805.564.5461

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### Planning

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### Building & Safety

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630 Garden St.

PO Box 1990

Santa Barbara, CA

93102-1990

Alicia Harrison, AICP  
Brownstein, Hyatt, Farber, Schreck  
1020 State Street  
Santa Barbara, CA 93101-2711

RE: 3443 and 3433 Sea Ledge Lane Emergency Coastal Development Permit

Dear Ms. Harrison:

On October 8, 2014, you submitted an application pursuant to Santa Barbara Municipal Code (SBMC) Section 28.44.100 – Permit For Emergency Work – to repair a slope failure adjacent to a portion of Sea Ledge Lane. The repair work includes installation of a retaining wall, 67 feet in length with up to six feet in height visible from the downhill side, and extension of the existing drainage system to rip rap at the basin at the lower portion of Sea Ledge Lane. New landscaping (Lemonade berry) would be installed south of the wall for erosion control purposes and would be irrigated with temporary irrigation until plants are established. The proposed work would protect the existing utility pole and private road (Sea Ledge Lane), as well as the residences south of that road. Six residences have their sole access via this lower portion of Sea Ledge Lane, and four additional residences have access via the upper portion of the road, which could be compromised in the event of further slope failure. Further justification of the project scope is provided in materials attached as Exhibit B.

Staff verified the facts of the case, including the existence and nature of the emergency, and issued a public notice on October 29, 2014 pursuant to Section 13329.3 of Title 24 of the California Administrative Code to indicate that the Community Development Director intended to issue an emergency permit for the proposed work following a public comment period ending November 10, 2014. On November 5, 2014, staff coordinated by telephone with the South Central Coast District Office of the Coastal Commission as to the nature of the emergency and the scope of the emergency work to be performed. On November 6, 2014, an announcement was made at the Planning Commission meeting of the proposed emergency work.

A Coastal Development Permit (CDP) for Emergency Work pursuant to SBMC Section 28.44.100 is hereby issued subject to the Conditions of Approval provided in Exhibit A.

**EXHIBIT D**

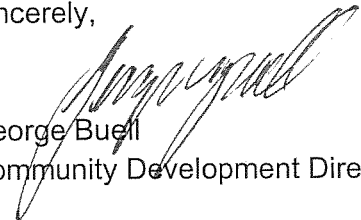
## Findings:

1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits, and the development can and will be completed within 60 days. On October 13, 2014, a representative of the City Building & Safety Division went to the project site and determined that the project constitutes an emergency as defined by Section 13009 of Title 14 of the California Administrative Code. An emergency permit is appropriate given the site's history and potential for rain in the near future, or a seismic event. The Building & Safety Division has reviewed the plans and is prepared to issue a building permit for the work identified.
2. Public comment on the proposed emergency action has been reviewed. On November 5, 2014, Planning staff coordinated by telephone with California Coastal Commission staff as to the nature of the emergency and the scope of the emergency work to be performed. On October 29, 2014, public notice of the proposed emergency action pursuant to Section 13329.3 of Title 14 of the California Administrative Code was issued by mailing notices to property owners within 300 feet of the project and residents within 100 feet of the project. The notice was also announced at the Planning Commission meeting of November 6, 2014. A 12-day comment period was provided prior to issuance of the permit. No public comments were received.
3. The work proposed would be consistent with the requirements of the City's Local Coastal Program (LCP) and the California Coastal Act of 1976. The project would be specifically consistent with California Coastal Act policies 30250, 30251, 30253; LCP Policies 5.3 (compatible with neighborhood), 8.1 (drainage), 8.2 (no development on bluff face), and 9.1 (view protection). The project was reviewed conceptually by the Single Family Design Board (SFDB) on October 27 and November 10, 2014 to ensure the proposed wall will be compatible with surrounding development. The SFDB was supportive of the proposed wall design and landscaping. The project would minimize erosion and improve drainage in the affected area; a building permit will be required for the proposed retaining wall to ensure compliance with all building code requirements. The project is consistent with all other provisions of the Coastal Act and the City's Local Coastal Program.
4. The work proposed is the minimum action necessary to address the emergency and, to the maximum extent feasible, is the least environmentally damaging temporary alternative for addressing the emergency. The recent slope failure will be repaired and a new retaining wall will be installed to prevent future slope failure. Landscaping will be installed to assist with erosion control.
5. The proposed work does not fall within the provisions of Public Resources Code Section 30519(b). In consultation with Steve Hudson of the South Central Coast District of the Coastal Commission, it has been verified that no filling, dredging or grading is proposed to be undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone.

This Emergency Permit shall expire on January 10, 2015. Pursuant to SBMC Section 28.44.100.E(5), a Coastal Development Permit Application seeking authorization to retain the structures erected pursuant to this emergency permit shall be submitted and properly filed with the Planning Division within 90 days of issuance of this permit.

If you have any questions, please contact me at (805) 564-5503, or Allison De Busk, Project Planner, at (805) 564-5470, ext. 4552.

Sincerely,



George Buell  
Community Development Director

Exhibits:

- A. Conditions of Approval
- B. Applicant Letter, dated October 8, 2014

References:

- 1. Project Plans
- 2. Letter from Katherine Dole, Landscape Architect dated November 3, 2014

Cc: California Coastal Commission, Attn: Steve Hudson  
Tom Dunlap, 3443 Sea Ledge Lane, Santa Barbara, CA 93109  
JL Trust, 3433 Sea Ledge Lane, Santa Barbara, CA 93109  
Planning File

## CONDITIONS OF APPROVAL

3433 AND 3443 SEA LEDGE LANE  
EMERGENCY COASTAL DEVELOPMENT PERMIT  
NOVEMBER 11, 2014

In consideration of the project approval granted by the Community Development Director and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Coastal Development Permit Follow-Up.** Within ninety (90) days of issuance of the emergency permit (by February 9, 2015), a Coastal Development Permit application seeking authorization to retain structures erected pursuant to this emergency permit shall be submitted and properly filed consistent with the requirements of SBMC Chapter 28.44. Design review and approval will be required as part of the Coastal Development Permit review process.

Any development or structures constructed pursuant to this emergency permit shall be considered temporary until authorized by a subsequent coastal development permit and issuance of the emergency permit shall not constitute an entitlement to the erection of permanent development or structures.

The development authorized in this emergency permit must be removed, or other appropriate remedy, as determined by the Community Development Director, unless a complete application for a coastal development permit is filed within ninety (90) days of approval of the emergency permit. If all or any portion of the application for the Coastal Development Permit seeking authorization for permanent retention of the development authorized pursuant to the emergency permit is denied, the portion of the development that is denied must be removed.

- B. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure. Watering of vegetation on the slope shall be kept to the minimum necessary for plant establishment.
- C. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
- D. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
- E. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of Best Management Practices (BMPs), as approved by the Building and Safety Division.
- F. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts.



If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

- G. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
- H. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other

natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

- I. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.

October 8, 2014

Alicia Harrison, AICP  
Land Use Planner  
805.882.1442 tel  
805.965.4333 fax  
AHarrison@bhfs.com

Peter Lawson  
Community Development Department  
Planning Division  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

RE: Request for Emergency Permit for Urgent Repair of Slope Failure adjacent to  
Private Sea Ledge Lane  
Site Location: 3443 and 3433 Sea Ledge Lane  
Property Owners: T. Dunlap and J. Debney

Dear Mr. Lawson:

We are submitting the following and attached information to request an Emergency Permit for urgent repair of a slope failure adjacent to a portion of private Sea Ledge Lane. We respectfully request your immediate review and approval of this request so that remediation can occur prior to the onset of winter rains. Engineering plans were submitted to Building on September 4<sup>th</sup> and are ready for approval. SCE has also signed off on the removal of the existing wooden structure and remediation work. Mark Sauter of John S. Carter, Inc. Contractor has been contracted by Mr. Dunlap to implement the remediation work immediately. Construction will take approximately 2 months to complete, so time is of the essence. A Coastal Development Permit will be submitted for the work following issuance of the emergency repair permit.

Per the City's Zoning Ordinance Section 28.44.100 pertaining to permits for emergency work, an application must be made to the Community Development Director including a description of the emergency requiring immediate attention. Given the urgency of the remediation work, the construction time required to perform the work and the limited time available prior to the onset of winter rains, an Emergency Permit application was submitted by T. Dunlap and M. Sauter to Mr. George Buell, Community Development Director, on September 4<sup>th</sup>. This packet included a letter from M. Sauter including a description of the emergency work consistent with Section 28.44.100. Please see attached letter.

In sum, saturation of the hillside below Sea Ledge Lane could further compromise the ground stability under Sea Ledge Lane, causing failure of the emergency access road serving eight residents and landslide damage to the Dunlap and Debney residential improvements located below, and possibly other properties, and to lower Sea Ledge Lane. In a letter dated May 5, 2014, S. Campbell stated that "the safety of the road for all traffic is not assured at this time, due to the apparent loss of support." Due to observation of further damage that resulted from heavy vehicular traffic on Sea Ledge Lane, he further cautioned that traffic should be limited to passenger vehicles and light trucks only until a permanent repair can be implemented. Per the April 14, 2014 geotechnical report prepared by Campbell Geo, Inc., movement of the existing SCE pole is also noticeable and at potential risk with further slope failure, stating "It is unclear if the overhead or underground power lines are in immediate danger of separation, although if and when that occurs the loss of electrical power/telephone/cable services and possible arcing wires seem to be inevitable." The hillside

**EXHIBIT B**

1020 State Street  
Santa Barbara, CA 93101-2711  
main 805.963.7000

requires stabilization to avoid significant impacts to immediate residential and neighborhood improvements, as well as emergency access and power failure.

Since the April 14, 2014 geotechnical report, the property owners on Sea Ledge Lane have pressed Campbell Geo, Inc. for alternative solutions to address the immediate slope failure concern, and on October 1<sup>st</sup> Campbell approved the Midwest Foundation Tech, Inc. (Charles Grant) design. Campbell's consent with the Grant plan is confirmed in the attached October 1, 2014 letter from Campbell and Hetherington. On October 2nd this letter was submitted to Building along with responses to plan check comments from Building. At that time the Owner was informed that Planning had additional plan check comments. These comments are addressed below:

1, 3, 5, 8. Please see attached Site Plan.

2, 4. We are pursuing an Emergency Permit and will submit for a Coastal Development Permit following issuance of the Emergency Permit. An Emergency Permit letter request was submitted to Mr. George Buell, Community Development Director, on September 4, 2014.

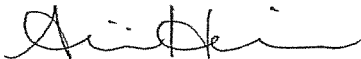
6. Two copies of the geotechnical report have been provided to Building.

7. All irrigation in the area of the slope failure has been disconnected.

8. Drainage for the proposed retaining wall is shown on the Site Plan and S-1, with further note in the letter from Campbell and Hetherington dated October 1, 2014 and attached to this letter. There are no other changes to drainage. Erosion control methods are identified in the scope of work and on the Site Plan under Required Best Management Practices.

This letter and attachments should sufficiently provide all of the necessary documentation for expeditious review and approval of an Emergency Permit for the above referenced remediation work. If any other materials are required, please contact me immediately so that we can provide what is needed.

Sincerely,



Alicia Harrison, AICP

Attachments:

Emergency Permit Application Letter from M. Sauter, September 3, 2014  
Design Confirmation Letter from Campbell/Hetherington, October 1, 2014  
Site Plan, Kathryn L. Dole Associates, October 8, 2014  
S-1, S-2, Midwest Foundation Tech, Inc. October 1, 2014  
Letter regarding Sea Ledge Lane instability from S. Campbell, May 5, 2014  
Authorization from J. Debney  
Authorization from SCE



September 3, 2014

Mr. George Buell  
Community Development Director  
City of Santa Barbara  
600 Garden Street  
Santa Barbara, CA 93101

SUBJECT: Emergency Permit Application

Dear Mr. Buell:

This letter and attached materials are submitted to satisfy the requirements for an Emergency Permit application, in accordance with Santa Barbara Municipal Code (SBMC) Section 28.44.100:

1. **Nature of Emergency.** The structural integrity of the upper segment of Sea Ledge Lane (the "Lane") was compromised earlier this year following repairs to public utility facilities adjacent to the Lane, which caused a minor slope failure. While the total area of the failure is relatively small, the zone of failure extends beneath the traveled way and thus presents an immediate threat of loss of access to the neighborhood.
2. **Cause of the Emergency.** Repairs by Southern California Edison ("SCE") were made to a power pole adjacent to the Lane, which caused the minor slope failure, undermining the structural integrity of the road.
3. **Location of the Emergency.** The slope failure is located on the south side of the upper portion of Sea Ledge Lane, a private right-of-way which provides the exclusive access for eight residences that are located within a coastal bluff neighborhood in the City of Santa Barbara, California. The slope failure repair work will span two parcels within the Lane community: APN 047-082-005 (3443 Sea Ledge Lane – Owner F. Thomas Dunlap) and APN 047-082-006 (3433 Sea Ledge Lane – Owner John Debney).
4. **The remedial, protective, or preventive work required to deal with the emergency.** The owners of the two properties directly impacted by the failure have engaged a geologist and a structural engineer to develop a solution that will stabilize the slope failure through the construction of a retaining wall system utilizing micro-piles and pressure grouted tiebacks. The proposed project will restore the Lane's structural integrity in the most expeditious and environmentally least invasive manner. The above-named owners have engaged our firm, John S. Carter, Inc., to undertake the work. We are a very experienced general engineering construction firm that is familiar with the specific slope repair techniques required for this project. We have

MAILING:  
1102 HIGHLAND RD.  
SANTA YNEZ, CA 93460

STATE LICENSE No. 157378  
E-MAIL: JSCARTERINC@MSN.COM  
OFFICE/FAX: 805.688.4207

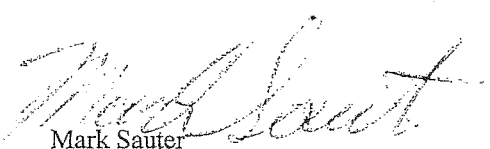
SHOP/DELIVERIES:  
5750 DAWSON AVE.  
GOLETA, CA 93117

reviewed the plans and specifications for the project and are immediately available to commence the work. Completion of the repairs will take approximately two months. *It is imperative that work begin immediately.* The owners are fully aware that they will need to obtain a coastal development permit for the project once it is complete.

5. **The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.** The project needs to be commenced immediately to avoid potential risks associated with further movement of the soils within the failure zone if the soils were to become saturated due to rain and runoff waters. Such additional failure could result in further movement of the slide mass and a dangerous narrowing of the Lane such that the eight residences would be entirely isolated from routine and emergency access.
6. **Other Agencies Alerted to the Emergency.** The owners of the two properties are coordinating their efforts with SCE. Underground Services Alert has also already marked the underground utilities in the proposed work area.
7. **Access Routes to the Emergency.** Cliff Drive provides access to the vicinity of the emergency. By utilizing the least invasive construction method, the width of the Lane will accommodate the passage of a vehicle in one direction during the construction of the proposed slope repair.
8. **Any other information deemed necessary by the Community Development Director.** Charles Grant plans for slope repair are submitted with this letter.

Please contact me as soon as possible should you require additional information 805 688 4207 or cell 805 896 2030.

Sincerely,



Mark Sauter

John S. Carter Inc. Contractor # 157378

Cc: F. Thomas Dunlap  
John Debney

# CAMPBELL·GEO, INC.

ENGINEERING AND ENVIRONMENTAL GEOSCIENCE

October 1, 2014

Mr. Tom Dunlap  
3443 Sea Ledge Lane  
Santa Barbara, California 93109

Mr John Debney  
3433 Sea Ledge Lane  
Santa Barbara, California 93019

Subject: RETAINING WALL PLAN REVIEW  
3443 and 3433 Sea Ledge Lane  
Santa Barbara, California

- References:
- 1) "Preliminary Geologic/Geotechnical Investigation, Slope Failure Near SCE Power Pole, Sea Ledge Lane, Santa Barbara, California," prepared by Campbell·Geo, Inc., dated April 14, 2014.
  - 2) Retaining Wall Plan at 3443 and 3433 Sea Ledge Lane, Santa Barbara, California, prepared by Midwest Foundation Tech, Inc., dated October 1, 2014.

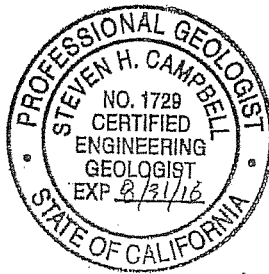
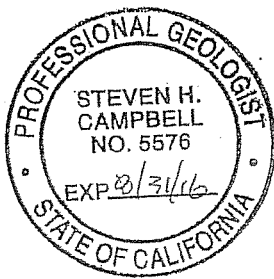
Dear Mr. Dunlap and Mr. Debney:

In response to your request, we have reviewed the referenced geotechnical report (Reference 1), and retaining wall plans and calculations (Reference 2) from a geotechnical standpoint. We have also discussed the retaining wall plans with the designer Mr. Charles L. Grant. Based on our review and discussion, we understand that, although a different concept than that presented in the geotechnical report, the design engineer has utilized the geotechnical design parameters presented in the geotechnical report in preparing the retaining wall plans. We find that the retaining wall plans appear to present a reasonable alternative to the drilled pier and grade beam slope restraint system presented in the referenced report and the designer appears to have utilized the appropriate geotechnical design parameters in the alternative design. We make no representations as to the accuracy of dimensions, measurements, calculations or any portion of the design. Drainage improvements associated with the construction of the retaining wall shall include a hard pipe that extends to the toe of

Retaining Wall Plan Review  
Sea Ledge Lane  
October 1, 2014  
Page 2

the slope at the lower leg of Sea Ledge Lane, rather than discharging the drainage on the slope face between the upper and lower legs of Sea Ledge Lane.

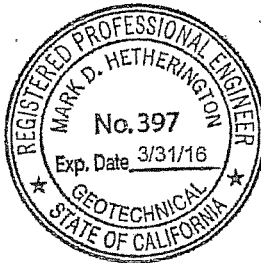
If you have any questions concerning this letter, please do not hesitate to contact us.



Sincerely,  
Campbell-Geo, Inc.

A handwritten signature in black ink, appearing to read "Steven Campbell".

Steven H. Campbell  
Professional Geologist  
State of California, #5576  
Certified Engineering Geologist  
State of California #1729

A handwritten signature in black ink, appearing to read "Mark D. Hetherington".

Mark D. Hetherington  
Registered Civil Engineer  
State of California, #30488  
Geotechnical Engineer  
State of California, #397

cc: Midwest Foundation Tech  
Att: Mr. Charles Grant



# CAMPBELL·GEO, INC.

ENGINEERING GEOLOGY AND ENVIRONMENTAL GEOSCIENCE

May 5, 2014

Mr. John Debney  
3433 Sea Ledge Lane  
Santa Barbara, CA 93109

Subject: Suggestion for Traffic Control at Landslide near SCE Power Pole  
Sea Ledge Lane, Santa Barbara, California

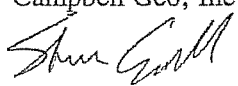
Dear Mr. Debney:

After initially visiting the above-referenced site, we noted in our January 28, 2014 letter/proposal that "the safety of the road for all traffic is not assured at this time, due to the apparent loss of support." That conclusion is stated in our April 14, 2014 Preliminary Geologic/Geotechnical Investigation and is unchanged at the present time.

Aside from the stated potential safety concerns, heavy vehicle traffic in the narrow lane now used could possibly accelerate landslide movement and trigger further road damage. It is our understanding that on or about May 1st, a double axle truck delivered a heavy load of rock down Sea Ledge Lane for the construction project, based on photographs and reports provided to us.. Shortly thereafter, new expansion cracks appeared in the asphalt near the middle of Sea Ledge Lane at the landslide area.

As has been and remains our position, that since Sea Ledge Lane is the only access to your home and others in the neighborhood, limiting traffic to passenger vehicles and light trucks remains the prudent course and may extend the longevity and usefulness of the existing roadway for the interim period while a more permanent repair is pursued.

Please contact me if you have any questions.

Sincerely,  
Campbell·Geo, Inc.  
  
Steven H. Campbell  
Principal Geologist

SHCvrig  
Letters\20140505\_Final Sea Ledge L1.doc

327-A EAST HALEY STREET SANTA BARBARA CALIFORNIA 93101-1712  
TELEPHONE: (805) 965-5003 FACSIMILE: (805) 963-5371

**NEW ITEM****C. 3443 SEA LEDGE LN****A-1/SD-3 Zone**

Assessor's Parcel Number: 047-082-005  
Application Number: MST2014-00526  
Owner: Dunlap Family Trust  
Agent: Alicia Harrison

(Proposal for issuance of an emergency permit to install a retaining wall to address slope failure on private property located at Sea Ledge Lane, in the Hillside Design District and appealable jurisdiction of the Coastal Zone. The project includes construction of 67 linear feet of retaining wall with a maximum of six feet of exposed wall face on the uphill side, and the extension of the drainage system to the rip rap at the basin at lower Sea Ledge Lane. The main project requires Staff Hearing Officer review for a Coastal Development Permit.)

**(Comments only; project requires comments to Community Development Director for issuance of an emergency repair permit and to Staff Hearing Officer review for a Coastal Development Permit.)**

**Project was continued indefinitely to the Community Development Director and Staff Hearing Officer, to return to Consent, if necessary, with the following comments:**

- 1) The Board finds that the proposed retaining wall is appropriate and does not pose consistency issues with the design guidelines.
- 2) The retaining wall should be constructed of either board-formed concrete with horizontal bands of 4 to 8 feet long on center, or plywood-formed concrete with exposed joints.
- 3) The concrete should be colored a dark earthen tone.
- 4) Provide a landscape plan.

**CONTINUED ITEM****H. 3443 SEA LEDGE LN****A-1/SD-3 Zone**

Assessor's Parcel Number: 047-082-005  
Application Number: MST2014-00526  
Owner: Dunlap Family Trust  
Agent: Alicia Harrison

(Proposal for issuance of an emergency permit to install a retaining wall to address slope failure on private property located at Sea Ledge Lane, in the Hillside Design District and appealable jurisdiction of the Coastal Zone. The project includes construction of 67 linear feet of retaining wall with a maximum of six feet of exposed wall face on the uphill side, and the extension of the drainage system to the rip rap at the basin at lower Sea Ledge Lane. The main project requires Staff Hearing Officer review for a Coastal Development Permit.)

**(Comments only; project requires comments to Community Development Director for issuance of an emergency repair permit and to Staff Hearing Officer review for a Coastal Development Permit.)**

**Project was continued indefinitely to the Community Development Director and Staff Hearing Officer to return to Consent with the following comments:**

- 1) The Board finds that the proposed retaining wall is appropriate and does not pose consistency issues with the design guidelines.

## **APPLICABLE COASTAL ACT AND LOCAL COASTAL PLAN POLICIES**

### **CALIFORNIA COASTAL ACT**

#### **Applicable Policies**

##### **Section 30240 Environmentally sensitive habitat areas; adjacent developments**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

##### **Section 30253 Minimization of adverse impacts**

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

### **LOCAL COASTAL PLAN**

#### **Applicable Policies**

**Policy 8.1** All new development of bluff top land shall be required to have drainage systems carrying run-off away from the bluff to the nearest public street or, in areas where the landform makes landward conveyance of drainage impossible, and where additional fill or grading is inappropriate or cannot accomplish landward drainage, private bluff drainage systems are permitted if they are:

- (1) sized to accommodate run-off from all similarly drained parcels bordering the subject parcel's property lines;
- (2) the owner of the subject property allows for the permanent drainage of those parcels through his/her property;
- (3) the drainage system is designed to be minimally visible on the bluff face.

**Policy 9.1** The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced.